

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEPHANIE SANTANEGLO,

Civ. No.

NOTICE OF REMOVAL

PLAINTIFF,

- against -

ADRIANA SANTANGELO, a/k/a
ADRIAN BROWN, WILLIAM
RIDDICK JR., AND LORNA T.
LUMPRIS,

DEFENDANT(S).

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PLEASE TAKE NOTICE that defendant ANDRIANA SANTANGELO a/k/a ADRIAN BROWN ("Brown"), by and through its attorney the Law Office of Thomas A. Farinella, PC, hereby removes this action, pursuant to 28 U.S.C. §§1332(a), 1441 and 1446, from the Superior Court of New Jersey, Law Division Morris County, to the United States District Court for the Southern District of New York. In support of this Notice of Removal, Brown states the following:

1. On August 21, 2019, plaintiff commenced an action in the Superior Court of New Jersey, Law Division Morris County, captioned Stephanie Santangelo v. Adriana Santangelo a/k/a Adrian Brown, Docket No. MRS-L-001775-19. A true and correct copy of the Amended Complaint is attached as Exhibit 1, which constitutes all pleadings and process in this action.

2. The Amended Complaint asserts claims against the defendants for intentional infliction of emotional distress, intentional interference with plaintiff's prospective economic advantage, intentional harassment and conspiracy. Compl. pages 6-13.

3. On August 23, 2019, Brown accepted service of a copy of Amended Complaint and upon information and belief co-defendant Lorna Lumpris received the Amended Complaint on or about August 26, 2019.

4. The defendants believe that plaintiff's claims are without merit.

5. The defendants have not made any filings in the state court action.

6. This Notice of Removal is being filed in the United States District Court for the Southern District of New York, the district in which the case is pending.

7. This Notice of Removal is being filed within thirty days of defendant's receipt of service of the Amended Complaint, as required by 28 U.S.C. § 1446(b).

8. This Court has original jurisdiction over this action under 28 U.S.C. § 1332(a)(1), because this is an action between citizens of different States, and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

DIVERSITY OF CITIZENSHIP

9. The Complaint alleges that plaintiff's place of residence was at all relevant times New York, New York, thereby making her a citizen of the State of New York for diversity purposes. *See Diego Beekman Mut. Hous. Ass'n Hous. Dev. Fund Corp. Hdfc. v. Dish Network, L.L.C.*, No. 15 Civ. 1094, 2016 WL 1060328, at *7 (S.D.N.Y. Mar. 15, 2016) (“[A]n individual's residence at the time a lawsuit is commenced provides prima facie evidence of his domicile – which in turn determines citizenship.” (quoting *Willis v. Westin Hotel Co.*, 651 F. Supp. 598, 601 (S.D.N.Y. 1986))).

10. All of the defendants, as alleged in the Amended Complaint, are residents of the State of New Jersey. Compl. ¶¶ 1-3.

11. Plaintiff is a New York citizen and the defendants are citizens of New Jersey. As a result, the parties are completely diverse pursuant to 28 U.S.C. § 1332(a). Compl. p. 13.

AMOUNT IN CONTROVERSY

12. Diversity jurisdiction under 28 U.S.C. § 1332 also requires that the amount in controversy, exclusive of interest and costs, be in excess of \$75,000.

13. The Complaint demands \$900,000.00 in monetary damages. Compl. p. 7, p. 10 p. 11, and p. 13.

CONCLUSION

14. Complete diversity exists between plaintiff, a citizen of New York, and BROWN, a citizen of Delaware and Kentucky, and the amount in controversy exceeds \$75,000. Accordingly, this Court has original jurisdiction over this action under 28 U.S.C. § 1332(a).

15. The defendants will provide plaintiff with prompt written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d) and will file a copy of this Notice of Removal with the Clerk of the Superior Court of New Jersey, Law Division Morris County, where the Complaint was originally filed.

WHEREFORE, the defendants request that this action be removed from the Superior Court of New Jersey, Law Division Morris County to the United States District Court for the Southern District of New York.

Dated: New York, New York
September 24, 2019

_____/s/ Thomas A. Farinella_____
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